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*and The Phillies, L.P.*

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 OAKLAND VISION

16  
17 JOSEPH FABOZZI, on behalf of himself and  
those similarly situated,

18 Plaintiff,

19 vs.

20 STUBHUB, INC. and THE PHILLIES, L.P.,

21 Defendants.  
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Case No. 11-cv-4385 (LB) <sup>EMC</sup>

**STIPULATED REQUEST TO  
EXTEND DEFENDANTS' TIME TO  
RESPOND TO PLAINTIFF'S  
AMENDED CLASS ACTION  
COMPLAINT AND ~~PROPOSED~~  
ORDER**

Pursuant to Federal Rule of Civil Procedure 15(a) and this stipulation, Defendants StubHub, Inc. and the Phillies, L.P. ("Defendants") hereby request that the Court extend the deadline for Defendants to file a response to plaintiff Joseph Fabozzi's ("Plaintiff") Amended Class Action Complaint to October 28, 2011, with Plaintiff's opposition to any motions to dismiss due December 2, 2011 and Defendants' reply due December 16, 2011. Plaintiff stipulates to this request.

1. WHEREAS on September 1, 2011, Plaintiff filed an Amended Class Action Complaint.

2. WHEREAS the current deadline for StubHub to submit a response to Plaintiff's Amended Class Action Complaint is October 7, 2011. *See* Fed. R. Civ. P. 15(a)(3).

3. WHEREAS the Phillies have not been served with the Amended Class Action Complaint, and, therefore, the Phillies time to respond has not started. *See id.* As a condition of this stipulation, counsel will accept service for the Phillies.

4. WHEREAS a stipulation would allow both Defendants' motions to dismiss to proceed on the same schedule.

5. Defendants request that the deadline for them to file their answer or a motion to dismiss the Amended Class Action Complaint be rescheduled to October 28, 2011. Plaintiff stipulates to this request.

6. Plaintiff requests that the deadline for him to file an opposition to any motion to dismiss be rescheduled to December 2, 2011. Defendants stipulate to this request.

7. Defendants request that the deadline for them to file a reply to any opposition to their motion to dismiss be rescheduled to December 16, 2011. Plaintiff stipulates to this request.

Counsel for Defendants attest under penalty of perjury that counsel for Plaintiff concurs in the filing of this stipulated request.

DATED: October 5, 2011

JOSEPH FABOZZI

STUBHUB, INC. AND THE PHILLIES, L.P.

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~~PROPOSED~~ ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Dated: October 24, 2011

Hon. Edward M. Chen  
United States District Judge